

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-44315

JOHNNY TAYLOR, JR.,
and MARY E. TAYLOR,

Chapter 13

Judge Thomas J. Tucker

Debtors.

**ORDER DENYING FEE APPLICATION WITHOUT PREJUDICE,
AS PREMATURE**

This case is before the Court on a fee application filed by the attorney for the Debtors on February 7, 2022, in a document entitled “Application for Award and Approval of Payment of Pre-Confirmation Attorney Fees as an Administrative Expense of Chapter 13 Plan Pursuant to L.B.R. 9014-1 and 2016-1(a)(E.D.M.) From: 04/19/21 Through 01/29/22” (**Docket # 54**, the “Application”).

The Court will deny the Application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for an adjourned confirmation hearing to be held on March 24, 2022. (*See* Order at **Docket # 53**.)

The fee application does not demonstrate good cause for the Court to allow fees for the Debtors’ counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* **11 U.S.C. § 1326(a)(2)**. Even if the Court granted a fee application for the Debtors’ counsel now, the Chapter 13 Trustee could not disburse any money to the Debtors’ counsel from funds on hand in payment of such fees at this time, under § 1326(a)(2).

Accordingly,

IT IS ORDERED that the Application (**Docket # 54**) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtors' counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.

Signed on February 11, 2022



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge